

## MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: October 21, 2003

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated September 24, 2003. If you would like additional information, please let me know.

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

**Scheduled for Full Enforcement Hearing** None.

**Scheduled for Brief Enforcement Hearing:** None.

#### **Cases Closed**

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

**Full Enforcement Hearings:** None.

**Brief Enforcement Hearings:** For the results of group enforcement brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

The following cases were dismissed with the concurrence of the chair during this period:

**Reardon, Aaron--Case #03-490; Investigator: Lori Anderson**

Date Received: June 25, 2003

Date Started: June 30, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was filed by Stephen Dean, alleging that Aaron Reardon, a candidate for Snohomish County Executive, listed endorsements on a campaign website that Mr. Reardon had not received.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** Dismissed with the concurrence of the chair. It was found that Aaron Reardon’s website, [www.aaronreardon.com](http://www.aaronreardon.com), was established three years ago, and has been used for promoting previous campaigns and communicating with constituents. A campaign volunteer provided the sole technical support to the website for approximately the last year. The campaign’s website contained the names of supporters from Aaron Reardon’s 2002 campaign for election to the Washington State Senate, but not for his current campaign for Snohomish County Executive. Mr. Reardon contacted the campaign volunteer in May of 2003, and requested that he make several changes to the website, including changing the Endorsements so that only “Under Construction” appeared on the page. Senator Reardon repeated his request to the volunteer the following month when the names of endorsers could still be accessed on his campaign website. On July 7, 2003, the campaign received confirmation of the change to the website, and that the names of endorsers had been blocked and could no longer be read on the website. There was no evidence that Senator Reardon acted with “actual malice” by leaving those names on his website.

**Reardon, Aaron--Case #04-021; Investigator: Lori Anderson**

Date Received: July 31, 2003

Date Started: August 15, 2003

Section of Law: RCW 42.17.080, RCW 42.17.090 & WAC 390-24-032

Status: Investigation Complete

Summary: A complaint was filed by Lawrence Dunn, alleging that Aaron Reardon, an incumbent State Senator, paid for expenditures out of his surplus funds account that were not permissible.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Senator Reardon registered a surplus funds account on January 13, 1999 and has reported expenditures through August 31, 2003. Senator Reardon was a Washington delegate for the House Democratic Caucus to attend a 2001 meeting of the National Conference of State Legislators (NCSL) held in San Antonio, Texas. Senator Reardon’s airfare was paid by the State of Washington, and Senator Reardon used his surplus funds to purchase an airline ticket for his spouse, Kate Reardon, so that she could accompany him to San Antonio, Texas. Senator Reardon attended the NCSL meeting because he was an elected state representative. Using surplus campaign funds to pay a spouse’s expenses while the spouse accompanies an elected state representative performing official duties is an appropriate use of surplus campaign funds.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Quigley, Kevin—Case #04-236; Investigator: Tony Perkins**

Date Received: September 8, 2003

Date Started: September 8, 2003

Section of Law: RCW 42.17.510 & .530

Status: Investigation Complete

Summary: A complaint was received from Byum Lee alleging that the Kevin Quigley, a candidate for Snohomish County Executive, failed to include spoken sponsor identification on a broadcast (TV) advertisement, and that the advertisement falsely implied that Mr. Quigley is the incumbent Snohomish County Executive.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Kevin Quigley sponsored a television political advertisement that originally contained an emblem above the phrase “County Executive,” without either the words “for” or “elect” to indicate that he was not the incumbent Snohomish County Executive. The spoken content of Mr. Quigley’s advertisement included the statement that he was currently the president of a shipyard, and the statement that he would bring to the office of Snohomish County Executive certain qualities and values which had made the shipyard a success. These statements imply that he was not the incumbent county executive. The advertisement contained a written sponsor identification, but failed to include a clearly spoken statement identifying the sponsor. PDC staff contacted Mr. Quigley and asked him to correct his broadcast political advertising to include spoken sponsor identification, and to clearly state that he was seeking the office of Snohomish County Executive, and Mr. Quigley took immediate action to correct the omission of spoken sponsor identification and the implied incumbency and in his broadcast advertising. A warning letter was sent to Mr. Quigley concerning his failure to include spoken sponsor identification in the advertisement. Because Mr. Quigley’s broadcast advertising, taken as a whole, implied that he did not hold the office of Snohomish County Executive, and since he promptly took action to correct his advertising, revising it so that it contained spoken sponsor identification and a clear statement of non-incumbency, no further enforcement action was warranted in this case.

**Hamilton, Pat--Case #04-271; Investigator: Sally Parker**

Date Received: September 29, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was filed by Tracy R. Shawa, Bruce Walker, Virginia Leach, Pat Gardner and David Burke alleging that Pat Hamilton, a candidate for State Senator in the 19<sup>th</sup> Legislative District, sponsored political advertising that implied the endorsement of a number of local officials featured in a photograph that appeared in the advertisement.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Pat Hamilton produced a campaign brochure that included a photograph of an official function at which Pacific County public officials are being sworn in to office at a public ceremony. The picture was also used on Ms. Hamilton’s web site. Ms. Hamilton was the only person identified in the caption of the brochure, and none of the other officials were identified any place in the brochure or on the web site. Ms. Hamilton used the group photograph of herself being sworn into office with other public officials, but she did not identify the others, nor did she state or imply any support or endorsement from them. The use of a photograph of public officials participating in an official, public function where no names are mentioned did not imply support or endorsement of Ms. Hamilton.

**Culpepper, Ronald--Case #04-276; Investigator: Suemary Trobaugh**

Date Received: September 30, 2003

Date Started: September 30, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was filed by Doug Schafer alleging that Ronald Culpepper, a Pierce County Superior Court Judge up for re-election in 2003, failed to report an expenditures or else failed to report in-kind contributions received for the cost of filing a lawsuit challenging Mr. Schafer’s name on the ballot in his campaign for Pierce County Superior Court Judge.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Judge Culpepper personally paid \$1,250 to retain and employ Ronald E. Thompson, a self employed attorney, to represent him in a lawsuit challenging the placement of Doug Schafer’s name on the ballot. The Ronald Culpepper campaign amended its reports and reported this expenditure. There is no evidence that Mr. Thompson was paid by anyone else for the services he provided to the Culpepper campaign. Mr. Thompson paid the \$110 court clerk’s filing fee and \$151 process server fee out of the fees he received from Judge Culpepper. Judge Culpepper stated that at no time did he or his attorney employ Philip R. Sloan concerning the proceedings, and Mr. Sloan was not compensated for any of his activities related to the case. Any value associated with Mr. Thompson’s work beyond the \$1,250 paid by Judge Culpepper or any value associated with Mr.

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Sloan’s activities are not considered contributions pursuant to RCW 42.17.020 (14)(b)(viii) and WAC 390-17-405.

## **Cases Referred To Attorney General For Further Action**

### **Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

### **Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees’ wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General’s Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General’s Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant



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would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

**Thurston County Superior Court Disposition:** The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

**Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)**

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

**Disposition:** A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**National Education Association—Case #02-282; Investigator: Suemary Trobaugh;  
(45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

**Disposition:** On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period<sup>1</sup> had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under

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<sup>1</sup> RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

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RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#03-080; Investigator: Kurt Young**

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

**Disposition:** This matter was presented as a report to the Commission on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.065, 42.17.080 and 42.17.090 by the Respondents for failing to timely report contribution and expenditure information for 2001 and 2002 activities supporting or opposing candidates and ballot propositions. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General's Office for appropriate action.

**Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson’s political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson’s political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

**Disposition:** An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Benjamin, Richard; Peterson, Gary; Foote, Michael; Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a

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political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported; and that public facilities of King County Water District #54 were used to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie’s complaint has been combined with Case #02-296.

**NOTE:** The investigative portion of the complaint regarding Michael Foote’s alleged use of the public facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates has been suspended pending the outcome of pending litigation.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of concealment (RCW 42.17.120) by Richard Benjamin and Gary Peterson, reporting issues (RCW 42.17.080 and .090 by Michael Foote and Gary Peterson, and financial affairs reporting issues (RCW 42.17.240) by Gary Peterson.  
Disposition: Pending

**The American Dream Coalition--Case #03-079; Investigator: Kurt Young**

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Under Investigation

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that “The American Dream Coalition” and Michael Svardh failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by “The American Dream Coalition”.

Disposition: Pending

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**Asher, Dave--Case #03-160A (Re-opened); Investigator: Suemary Trobaugh**

Date Received: August 21, 2003

Date Started: August 21, 2003

Section of Law: RCW 42.17.640

Status: Under Investigation (Case dismissed July 15, 2005 and re-opened August 21, 2003 after receiving additional evidence.)

Summary: A complaint was filed by Lois Gustafson alleging that Dave Asher, a candidate for State Representative in 2002 from the 45<sup>th</sup> Legislative District, exceeded the 2002 contribution limits by accepting an in-kind contribution from Argosy Cruise Lines for a fund raising event that exceeded the \$625 contribution limit for an election.

**Disposition:** Pending. This complaint was originally received March 20, 2003 and was dismissed with the concurrence of the Chair on July 15, 2003. It was initially found that on September 9, 2002, the David Asher campaign had a two-hour fundraiser on the MV Kirkland, an Argosy Cruise Lines vessel, with eighty people in attendance. The MV Kirkland remained docked for the duration of the fundraiser at Kirkland Marina, and the campaign did not use any catering or host beverage services from Argosy Cruise Lines. The campaign provided the food for the event, and those in attendance paid Argosy for their drinks at the cash bar. The President of Argosy Cruise Lines confirmed the fair market value of the use of the docked boat of \$625, and provided written confirmation of the value to the Asher campaign on April 7, 2003. In addition, he stated to PDC staff that the \$625 value of the moored boat was based on the past lack of use of the vessel on a Monday night, the fact that the boat remained moored during the entire two-hour event, and no catering services were used. Based on new information provided to the Commission, the investigation has been re-opened.

**Citizens for Accountable Government--Case #04-020; Investigator: Suemary Trobaugh**

Date Received: July 9, 2003

Date Started: July 21, 2003

Section of Law: RCW 42.17.040, RCW 42.17.080 & RCW 42.17.090

Status: Under Investigation

Summary: A complaint was filed by Robert Smith alleging that Citizens for Accountable Government failed to register and report as a political committee for activities undertaken during a Spring of 2001 ballot proposition.

Disposition: Pending

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**Sullivan, Cynthia (Surplus Funds)-- Case #04-023; Investigator: Tony Perkins**

Date Received: August 22, 2003

Date Started: August 25, 2003

Section of Law: RCW 42.17.090

Status: Under Investigation

Summary: A complaint was received from Stephen Finley alleging that Cynthia Sullivan, an incumbent King County Council member up for re-election in 2003, failed to timely file reports of activities undertaken with her surplus funds account, and that expenditures from her surplus funds account were not permissible.

Disposition: Pending

**Sullivan, Cynthia -- Case #04-024; Investigator: Tony Perkins**

Date Received: August 22, 2003

Date Started: August 25, 2003

Section of Law: RCW 42.17.090

Status: Under Investigation

Summary: A complaint was received from Stephen Finley alleging that Cynthia Sullivan, an incumbent King County Council member up for re-election in 2003, filed late and incomplete reports of contributions and expenditures regarding her 2003 re-election campaign.

Disposition: Pending

**Kayser, Michael -- Case #04-025; Investigator: Sally Parker**

Date Received: September 4, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Karen Titus alleging that Michael Kayser failed to timely file reports due under the full reporting option in violation of RCW 42.17.080 and .090 regarding his 2003 legislative campaign.

Disposition: Pending

**Burrage, Jeannette--Case #04-237; Investigator: Sally Parker**

Date Received: September 8, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Stan Scarvie alleging that Jeannette Burrage, a candidate for Des Moines City Council campaign, failed to timely file reports of contribution and expenditure activities.  
Disposition: Pending

**Hammond, Steve--Case #04-239; Suemary Trobaugh**

Date Received: September 9, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from David Osgood alleging that the Steve Hammond campaign failed to report the receipt of an in-kind contribution of professional services for the value of filing a challenge to Senator Pam Roach's voter registration. Mr. Hammond is an incumbent King County Council member.  
Disposition: Pending

The complaint also alleged that Diane Fish, a King County Council employee on Mr. Hammond's staff, and Jeff Cox, also on Mr. Hammond's King County Council staff, worked on the challenge to Senator Roach's voter registration while on County time. This portion of the complaint will be handled separately and is suspended pending a State Supreme Court decision on an appeal of a Permanent Injunction issued by King County Superior Court concerning the application of RCW 42.17.130 - see below)

**Palmer, Marci--Case #04-240; Suemary Trobaugh**

Date Received: September 10, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080, .090

Status: Under Investigation

Summary: A complaint was received from Rosemary Quesenberry alleging that Marci Palmer, a candidate for Renton City Council, failed to accurately disclose contribution and expenditure information as required on C-3 and C-4 reports. In addition, it was also alleged that she has paid a personal expense to the Renton Chamber of Commerce for dues using campaign funds.  
Disposition: Pending

**Physicians for Healthcare--Case #04-241; Investigator: Sally Parker**

Date Received: September 12, 2003

Date Started: September 19, 2003



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Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Kurt Fritts alleging that the Physicians for Health Care Choice, a political committee registered with the PDC, filed no C-3 or C-4 reports disclosing contribution and expenditure activities after the group filed its Committee Registration Statement (PDC Form C-1pc).

Disposition: Pending

**People for Ethical Government (formerly registered as Friends of Aaron Reardon)**

**Case #04-242; Investigator: Kurt Young**

Date Received: September 15, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.3691 & .730

Status: Under Investigation

Summary: A complaint was received from Paul Coates alleging that People for Ethical Government failed to file its reports electronically as required for a political committee, and that the committee's sole officer, Young Ja Lee, acted as an intermediary for a contribution that has not been properly disclosed to the recipient, People for Ethical Government. The complaint also alleged that People for Ethical Government was not eligible to make contributions in the Snohomish County Executive race, but that provision will not be investigated since it only applies to political committees making contributions to state office candidates.

Disposition: Pending

**Snohomish County Labor/Business Coalition--Case #04-243; Investigator: Kurt Young**

Date Received: September 15, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.3691

Status: Under Investigation

Summary: A complaint was received from Paul Coates alleging that the Snohomish County Labor/Business Coalition, a political committee registered with the PDC, failed to file its reports electronically as required for a political committee. The complaint also alleged that Snohomish County Labor/Business Coalition was not eligible to make contributions in the Snohomish County Executive race, but that provision will not be investigated since it only applies to political committees making contributions to state office candidates.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Sax, Jeff—Case #04-244; Investigator: Tony Perkins**

Date Received: September 16, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.060, .080, .090 & .125

Status: Under Investigation

Summary: A complaint was received from David Somers alleged that Jeff Sax, a candidate for Snohomish County Council in 2001, violated various sections of RCW 42.17. Mr. Somers alleged that a cash contribution (made with currency) was accepted by the Sax campaign in an amount that exceeds the allowable limit, and that the Sax campaign transferred money to Jeff Sax and his wife for expenses that were not directly related to his campaign. The complainant alleged that the Sax campaign failed to report two in-kind contributions and filed reports of contributions and expenditures late, in violation of RCW 42.17.080 and 090. Mr. Somers also alleged that the Sax campaign reported the receipt of contributions in the wrong “election cycle”, and that some of the contributions accepted by the Sax campaign exceeded contribution limits in violation of RCW 42.17.640. This portion of the complaint will not be investigated because it only applies to state office candidates.

Disposition: Pending

**Godden, Jean --Case #04-268; Investigator: Suemary Trobaugh**

Date Received: September 26, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Linda Mitchell alleging that Jean Godden, a candidate for Seattle City Council, sponsored political advertising that falsely implied she had the endorsement of Washington State Attorney General Christine Gregoire.

Disposition: Pending

**Irons, David -- Case #04-269; Investigator: Lori Anderson**

Date Received: September 26, 2003

Date Started: September 30, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from the Washington State Democratic Central Committee alleging that David Irons, an incumbent King County Councilmember up for re-election in 2003, failed to have his books and records

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

open for public inspection for the primary election, and failed to timely amend his Candidate Registration Statement. In addition, it was alleged that Mr. Irons failed to timely and accurately file reports disclosing contribution and expenditure activities.

Disposition: Pending

**Orvis, David -- Case #04-270; Investigator: Sally Parker**

Date Received: September 26, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Raymond Martin alleging that David Orvis, an incumbent Edmonds City Councilmember up for re-election in 2003, sponsored a political advertisement that contained false statements.

Disposition: Pending

**Decker, Patrick --Case #04-272; Investigator: Tony Perkins**

Date Received: September 29, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Robert Crowe alleging that Patrick Decker, a candidate for Lynnwood City Council, failed to timely register as a candidate for public office, and that he failed to timely file reports of contribution and expenditure activities.

Disposition: Pending

**Demeroutis, Richard – Case #04-277; Investigator: Lori Anderson**

Date Received: October 7, 2003

Date Started: October 10, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from John Quast, alleging that Richard Demeroutis, a candidate for Edmonds City Council, sponsored political advertising that falsely implied he had the endorsement of Mr. Quast.

Disposition: Pending

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

**Long, Gary--Case #04-278; Investigator: Tony Perkins**

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from J. Steven Thomas alleging that Gary Long, a candidate for fire commissioner in Snohomish County Fire District 4, exceeded the limits of mini reporting by accepting an in-kind contribution from the Snohomish Professional Firefighters Association in excess of the \$300 limit from a single contributor.

Disposition: Pending

**Towers, Steven--Case #04-279; Investigator: Tony Perkins**

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from J. Steven Thomas alleging that Steven Towers, a candidate for fire commissioner in Snohomish County Fire District 4, failed to maintain records of campaign expenditures, including receipt of an in-kind contribution of a mailer paid for by the Snohomish Professional Firefighters Association, and that Mr. Towers failed to account for campaign signs in his records.

Disposition: Pending

**Bainbridge Concerned Citizens--Case #04-280; Investigator: Kurt Young**

Date Received: October 10, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Lois and Lew Andrus alleging that Bainbridge Concerned Citizens failed to timely register and report as a political committee.

Disposition: Pending

**Hession, Dennis--Case #04-281; Investigator: Tony Perkins**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.060, .080, .090 & .3691

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Under Investigation

Summary: A complaint was received from Donna McKereghan alleging that Dennis Hession, a candidate for Spokane City Council President, failed to timely deposit contributions within five business days of receipt, failed to timely file C-3 and C-4 reports of contributions and expenditures, and failed to timely file reports of contribution and expenditure activities electronically.

Disposition: Pending

**Citizens for La Connor--Case #04-282; Investigator: Lori Anderson**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Dan O'Donnell alleging that Citizens for La Conner engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.

Disposition: Pending

**Sultan Citizens Coalition--Case #04-283; Investigator: Lori Anderson**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Jeff Everett alleging that Sultan Citizens Coalition engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.

Disposition: Pending

**Rodgers, Pat--Case #04-284; Investigator: Suemary Trobaugh**

Date Received: October 16, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was received from William Biery alleging that Pat Rodgers, a candidate for Jefferson County Commissioner, sponsored political advertising that failed to contain a complete sponsor identification including the address.

Disposition: Pending

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

**Highline Citizens for Good Government & Al Furney--Case #04-285; Investigator: Sally Parker**

Date Received: October 16, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Jeanne Pfeifer alleging that Highline Citizens for Good Government and Al Furney engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.

Disposition: Pending

**21<sup>st</sup> Century Leadership Council --Case #04-286; Investigator: Kurt Young**

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080, .090 & .640

Status: Under Investigation

Summary: A complaint was received from Dorothy Zimmerman alleging that the 21<sup>st</sup> Century Leadership Council failed to timely report contributions and expenditures in 2002, and that it did not have the required \$10 from ten registered voters in order to be eligible to make contributions to legislative candidates.

Disposition: Pending

**Tinsley, Tony--Case #04-287; Investigator: Kurt Young**

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Cathy Reese alleging that Tony Tinsley, a candidate for Mukilteo City Council, sponsored political advertising that falsely claimed he had the endorsement of Teamsters Local #563, the Mukilteo Police and Mukilteo Public Works employees. In addition, the complaint alleged that Mr. Tinsley continued to claim the endorsement in political advertising after being informed that he did not have the endorsement.

Disposition: Pending

**Jefferson County Republican Central Committee--Case #04-288; Investigator: Sally Parker**

Date Received: October 17, 2003

Date Started: October 21, 2003

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner.

Disposition: Pending

**Citizens for Better Burien/Better Burien/Ronald L. Seale--Case #04-289;**

**Investigator: Lori Anderson**

Date Received: October 20, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Stephen Lamphear alleging that Citizens for Better Burien, a local political committee, failed to register and report its activities to support or oppose local candidates. The complaint also alleged that Better Burien, a separate committee, has failed to file a complete Committee Registration Statement (PDC Form C-1pc) and has not listed a time and place to review campaign records during the open records inspection period.

Disposition: Pending

## **Cases Under Review**

**Fortunato, Phil, WA State Republican Party and Minnick, Chad--Case #03-154;**

**Investigator: Lori Anderson**

Date Received: December 30, 2002

Date Started: January 10, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Geoff Simpson, a candidate for State Representative in the 47<sup>th</sup> Legislative District in 2002, against Phil Fortunato, also a candidate for State Representative in the 47<sup>th</sup> Legislative District, the Washington State Republican Party and Chad Minnick, a political consultant, alleging that the Respondents sponsored political advertising that contained false statements of material fact made with actual malice against Geoff Simpson during the 2002 legislative campaign between Mr. Fortunato and Mr. Simpson.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Marin, Richard--Case #03-489; Investigator: Sally Parker**

Date Received: June 19, 2003

Date Started: June 30, 2003

Section of Law: RCW 42.17.080, & RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Raymond Martin, alleging the Richard Marin, a candidate for Edmonds City Council, failed to timely file reports of contributions and expenditures and failed to report a contribution. On August 7, 2003, Mr. Martin complained that Mr. Marin failed to file an accurate and timely Personal Financial Affairs Statement. On September 5, 2003, Mr. Martin complained that Mr. Marin failed to timely report an additional contribution.

Disposition: Pending

**Foote, Jr., H. M.--Case #04-022; Investigator: Sally Parker**

Date Received: August 12, 2003

Date Started: August 22, 2003

Section of Law: RCW 42.17.040

Status: Under Review

Summary: A complaint was received from Stan Scarvie alleging that H. M. Foote, Jr., a candidate for Des Moines City Council, failed to timely file a Candidate Registration Statement (PDC Form C-1) after becoming a candidate for Des Moines City Council in 2003.

Disposition: Pending

**Smith, Larry--Case #04-238; Investigator: Lori Anderson**

Date Received: September 8, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Robert Tice alleging that Larry Smith, a candidate for Vancouver City Council, has not reported the employer and occupation information for several contributors to his campaign.

Disposition: Pending

**Nordquist, Clare -- Case #04-245; Investigator: Lori Anderson**

Date Received: September 16, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080 & .090



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Under Review

Summary: A complaint was received from Alec Fiskien alleging that the Clare Nordquist campaign, for an incumbent Seattle Port Commissioner running for re-election, had broadcast advertisements airing on television, but failed to disclose the advertisement as either an expenditure or an order placed, debt or obligation on the campaign's 7-day Pre-Primary C-4 report.

Disposition: Pending

**NOTE: On July 29, 2002, King County Superior Court Judge Richard McDermott issued a Permanent Injunction in *Washington Education Association v. PDC et al.* against the PDC's distribution of, investigations concerning, and enforcement of certain provisions of the PDC's "Guidelines for School Districts in Election Campaigns" that were finalized by the PDC in August 2001. The Guidelines explain the PDC's interpretation of RCW 42.17.130. The Findings of Fact and Conclusions of Law that were also entered by the superior court, along with the Permanent Injunction, raise questions about the constitutionality of RCW 42.17.130. The PDC filed an appeal from the Permanent Injunction with the Washington State Supreme Court, and also filed an Emergency Motion to Stay the Injunction Pending Appeal. On September 4, 2002, that motion was denied. As a result, the Permanent Injunction, and the Findings of Fact and Conclusions of Law, remain in effect.**

**Therefore, until the State Supreme Court has heard this case after full briefing and argument by the parties and has issued its written decision, we are suspending investigation of complaints alleging violations of RCW 42.17.130, with two exceptions. The PDC will investigate, but not bring to a hearing until the State Supreme Court issues its decision, those complaints involving the use of e-mail or internal mail systems for communicating endorsements, and the use of classrooms for distributing materials expressly advocating support for or opposition to one or more candidates. See our website for copies of the Permanent Injunction and Findings of Fact and Conclusions of Law, as well as RCW 42.17.130, WAC 390-05-271 and WAC 390-05-273.**

Based on the facts above, the following investigations are suspended until further notice:

**City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh**

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh**

Date Received: March 18, 2002

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Foote, Jr., H. M. -- Case #02-292; Investigator: Sally Parker**

Date Received: April 1, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Investigation Suspended

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

**Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker**

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

**Foote, Jr., H. M. -- Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: .130 Portion of Investigation Suspended

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. That portion of the complaint has been suspended pending the outcome of pending litigation. See Table of Contents for location of additional case summary information.

Disposition: Pending

**Anderson, Don--Case #03-007; Investigator: Kurt Young**

Date Received: July 10, 2002

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor's Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor's Office to support his candidacy.

Disposition: Pending